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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 BRADLEY ALLEN WOLFE,
10 Plaintiff,

No. C 12-01340 YGR (PR)

ORDER OF DISMISSAL

11 vs.

12 SONOMA COUNTY SHERIFF'S
13 DEPARTMENT, et al.,
14 Defendants.

15 On November 27, 2012, the Court issued an Order Dismissing Complaint With Leave to
16 Amend and gave Plaintiff thirty days from the date of the Order to file an amended complaint
17 providing factual and legal bases for his claims. Plaintiff was warned that a failure to timely file an
18 amended complaint would result in dismissal for failure to prosecute.

19 In an Order dated January 22, 2013, the Court granted Plaintiff an extension of time up to
20 and including March 27, 2013 in which to file his amended complaint.

21 The time for Plaintiff to file his amended complaint has passed, and no amended complaint
22 has been filed.


23 Accordingly, IT IS HEREBY ORDERED that the complaint in the above-captioned action is
24 DISMISSED for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk
25 of the Court shall enter judgment, terminate all pending motions, and close the file.

26 When and if Plaintiff is prepared to pursue his claims, he may file a new civil rights action.
27 The limitations period to file a § 1983 action in California is two years, but it is tolled for up to two
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1 years during a continuous period of incarceration. *See Silva v. Crain*, 169 F.3d 608, 610 (9th Cir.
2 1999) (holding, pursuant to Cal. Civ. Proc. Code § 340(3), that the limitations period for filing a
3 § 1983 action in California is one year); S.B. 688 (amending Cal. Civ. Proc. Code § 340(3) and
4 adding § 335.1 to establish two-year residual limitations period for personal injury actions); Cal.
5 Civ. Proc. Code § 352.1(a) (providing for an additional two years of tolling during a period of
6 continual imprisonment).

7 IT IS SO ORDERED.

8 DATED: April 8, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
For the Northern District of California